

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KEIPER LLC,

Plaintiff,

CIVIL ACTION NO. 08-12096

v.

DISTRICT JUDGE NANCY G. EDMUNDS

INTIER AUTOMOTIVE, INC.,

MAGISTRATE JUDGE VIRGINIA MORGAN

Defendant.

_____ /

**ORDER GRANTING IN PART MOTION TO COMPEL DISCOVERY AND DENYING
SANCTIONS (#36)**

This matter is before the court on D/E 36, the motion of plaintiff Keiper to compel discovery and for sanctions. Oral argument was held before the magistrate judge on July 29, 2009. This is a civil action between two auto suppliers. Previously discovery was ordered, but there was disagreement on the scope of that discovery. The discovery at issue relates to a motor problem and customer complaints of failure in the lumbar support system of the seat, alleged to be similar to that of the recliner motor problem, and alleged similar failure directly at issue in the lawsuit. Plaintiff seeks defendants documents for the lumbar motor on this issue and sanctions for failure to produce the same. For the reasons stated on the record, the motion is **GRANTED IN PART**. The court finds that plaintiff is entitled to discover documents underlying an alleged opinion by witness Greg Pochmara that the motor issue reported in the recliner motor was similar to the motor issue in the lumbar motor, an issue which had been resolved.

IT IS FURTHER ORDERED AS FOLLOWS:

1) Defendant will produce for the lumbar motor, any and all “Corrective Action Process Issue Detail” documents similar to Bates no. INT4895 for the recliner motor and the referenced documents therein.

2) Production of the documents is to be made on or before August 6, 2009.

3) The remainder of the motion, including the request for sanctions, is denied.

4) No costs to either side.

SO ORDERED.

S/Virginia M. Morgan
Virginia M. Morgan
United States Magistrate Judge

Dated: July 31, 2009

The undersigned certifies that the foregoing document was served upon counsel of record via the Court’s ECF System and/or U.S. Mail on July 31, 2009.

s/Laurie Fromhart
Judicial Assistant